

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: DOI-BLM-AZ-A010-2012-0013-CX

Project Title: Gierisch Mallow Propagation Study

Project Lead: Jeff Young

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: September 24, 2012

Deadline for receipt of responses: October 15, 2012

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison
Diana Hawks, Recreation/Wilderness/VRM
Laurie Ford, Lands/Realty/Minerals
Jeff Young, Wildlife/T&E Wildlife
John Herron, Cultural
Jacquilyn Roaque, Special Status Plants
Ray Klein, GCPNM Supervisory Ranger
Whit Bunting, Range/Vegetation/Weeds/S&G
Richard Spotts, Environmental Coordinator
John Sims, Supervisory Law Enforcement
Lorraine Christian, ASFO Field Manager

Required Recipients of electronic distribution E-mails only (not reminders):

Andi Rogers (E-mail address: arogers@azgfd.gov)
Sarah Reif (E-mail address: sreif@azgfd.gov)
LeAnn Skrzynski (E-mail address: lskrzynski@kaibabpaiute-nsn.gov)
Peter Bungart (E-mail address: pbungart@circaculture.com)
Dawn Hubbs (E-mail address: dawn.hubbs101@gmail.com)

(Ms. Rogers and Ms. Reif are Arizona Game and Fish Department (AGFD) habitat specialists. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). Mr. Bungart and Ms. Hubbs are cultural staff for the Hualapai Tribe. They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Jeff Young as the ASDO Wildlife Team Lead. Mr. Young will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT or Hualapai Tribe employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

NEPA Document Number: DOI-BLM-AZ-A010-2012-0013-CX

A. Background

BLM Office: Arizona Strip Field Office

Proposed Action Title/Type: Gierisch Mallow Propagation Study

Location of Proposed Action: This proposed action is located on federal lands administered by the Bureau of Land Management. The proposed location is approximately 12 miles southwest of St. George, Utah just south of the Black Knolls area of Mohave County, Arizona (Attachment 1). The proposed study plots are within the following described area:

Gila and Salt River Meridian, Arizona

T. 41 N., R. 13 W.,

sec. 24, SE1/4SE1/4SE1/4;

sec. 25, E1/2SW1/4NW1/4.

T. 41 N., R. 12 W.,

sec. 19, SE1/4SW1/4NW1/4, SW1/4SE1/4NW1/4, SW1/4SW1/4NE1/4,

NW1/4NW1/4SE1/4, and NE1/4NW1/4SW1/4.

containing approximately 0.26 acres

Description of Proposed Action: Gierisch mallow (*Sphaeralcea gierischii*) is a rare plant proposed to be federally listed as endangered. The species is endemic to an extremely limited range in Northwest Arizona and Southwest Utah. The proposed action would entail conducting an in-situ seed germination and propagation study in reclaimed and undisturbed soil near existing populations. Gypsum mining impacts the Gierisch mallow and mine reclamation including plant propagation on reclaimed sites could lessen the impacts of mining. Therefore, this study could benefit mine reclamation efforts and reduce the need to list this species as endangered. Red Butte Garden and Arboretum at the University of Utah would conduct the propagation research.

Test plots would be established at four sites. Two of the sites would be on reclaimed soil and two would be on undisturbed soil to act as controls. At each site plots would be established on northern and southern aspects and at the top, middle and bottom of each slope. Each plot would test two propagation techniques (seed retrieval packets and open seeding). The plots would be established in November or December 2012 and would be maintained for 3 to 5 years.

Seed retrieval study: There would be three seed packets shallowly buried (approximately 2 cm, or less than 1 inch) below the surface of the soil. Packets would be held in place by a nail and wire and a 1 foot by 1 foot square of hardware cloth secured to the ground with U-style anchor stakes (see photos in Attachment 2).

Open seeding study: Plot size would be no larger than one meter square. Seeds would be open seeded onto the meter plots by scratching the surface of the soil, scattering seed, and lightly covering seeds with soil. Plots would be covered with hardware cloth (1x2" size) temporarily secured with U-style anchor stakes until fencing is in place.

The total surface area of disturbance for the actual plots would be 80 square meters (approximately 860 square feet) or 20 square meters (215 square feet) per site. Each aspect area within the sites would be fenced with barbed wire to exclude cattle grazing. The total length of fence would be approximately 752

meters (2,467 feet) enclosing approximately 0.26 acres. While the study plots would be located near existing populations of Gierisch mallow, currently growing Gierisch mallow plants would be avoided when installing the plots.

Any surface, or sub-surface archaeological, historical, or paleontological remains not covered by the CRPR discovered during preparation or actual work shall be left intact; all work in the area shall stop immediately and the BLM Authorized Officer (435-688-3323) shall be notified. Commencement of work shall be allowed upon clearance by the BLM Authorized Officer (435-688-3323) in consultation with the Archaeologist.

If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the proponent shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the BLM Authorized Officer (435-688-3323). The proponent shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

B. Land Use Plan Conformance

Land Use Plan Name: Arizona Strip Field Office Resource Management Plan (RMP)

Date Approved: January 29, 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

DFC-TE-06: Populations of plants that are listed or proposed for Federal listing will be recovered.

MA-TE-24: Participation in conservation efforts for special status plant species will continue.

DFC-SR-01: Approved scientific research will contribute to management of natural and cultural resources and achieving DFCs.

In addition, the proposed action would not conflict with other decisions contained within the RMP. The information gained as a result of the proposed action would help the recovery efforts for this species and may preclude the need to federally list. Seeding in reclaimed areas may be necessary to minimize the impacts of mining and more information is needed to make seeding effective.

C: Compliance with NEPA:

CATEGORICAL EXCLUSION REVIEW: The proposed action is categorically excluded under 516 DM 11.9, Appendix 4: J. Other

(9) Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment and none of the exceptions (43 CFR 46.215) apply (see Attachment 3).

D: Signature

Authorizing Official: *Lorraine M. Christian* Date: 11/5/12
(Signature)

Acting for
Name: Lorraine M. Christian

Title: Field Manager – Arizona Strip Field Office

Contact Person

For additional information concerning this CX review, contact:

Jeff Young

BLM, Grand Canyon-Parashant National Monument

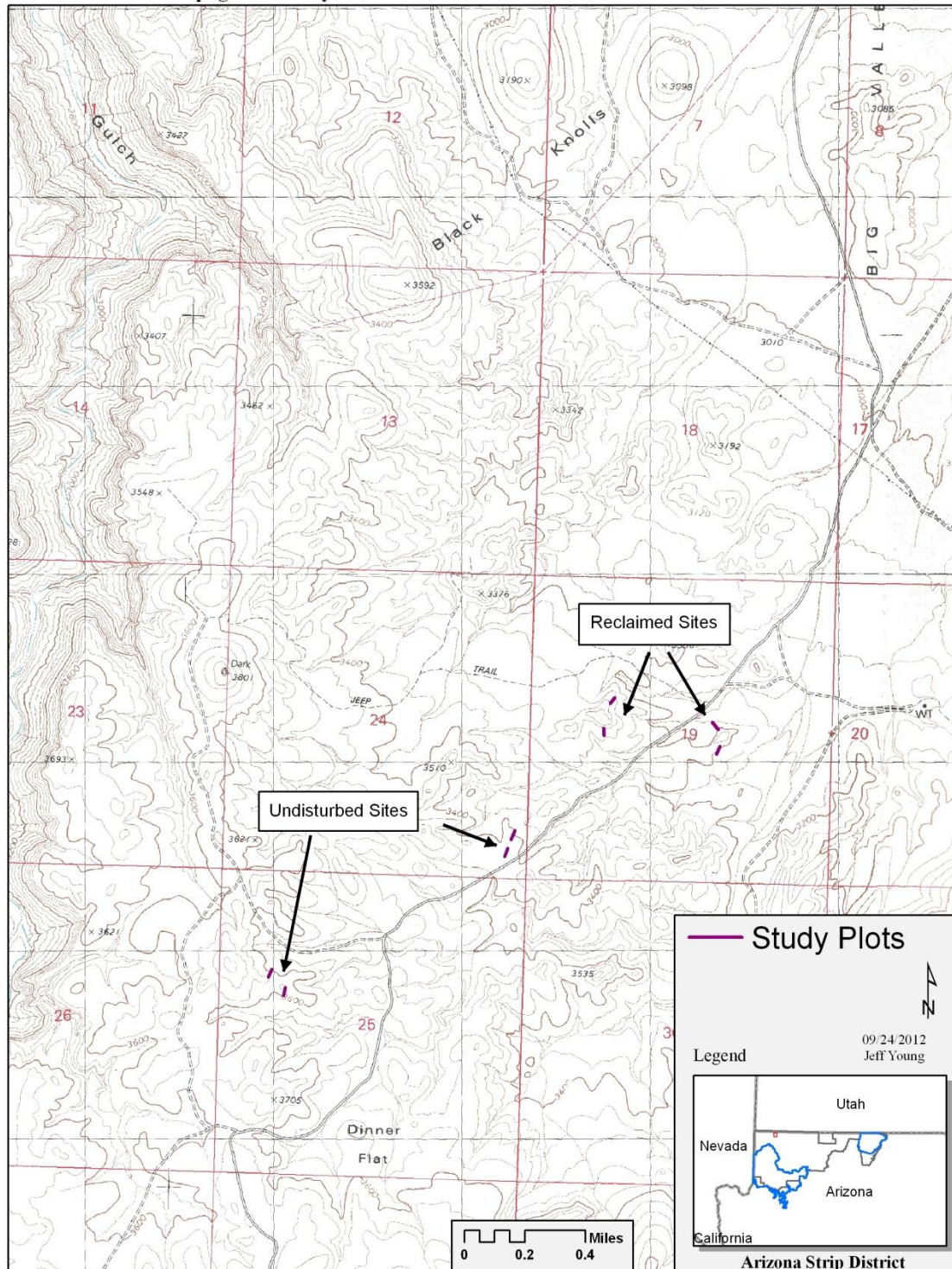
345 East Riverside Drive

St. George, Utah 84790

(435) 688-3239

Attachment 1

Gierisch Mallow Propagation Study



Attachment 2

Photo of a similar seed retrieval plot design.



Photo of seed retrieval packets before burial.



Attachment 3

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.		
EXTRAORDINARY CIRCUMSTANCES Does the proposed action...	YES/NO & RATIONALE (If -Appropriate)	STAFF
1. Have significant impacts on public health and safety?	No, because of the minimal surface disturbance.	JYoung
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	No, because the proposed project area is not within any of these areas and the surface disturbance would be minimal. See JHerron email dated 9/26/2012 and JJasper email dated 9/25/2012.	DHawks JHerron JYoung
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)]?	No, because of the minimal surface disturbance.	JYoung
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No, because of the minimal surface disturbance.	JYoung
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No, because similar actions would also only involve minimal surface disturbance.	JYoung
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No, because of proposed action's minimal surface disturbance.	JYoung
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	No, because two of the sites would be in previously disturbed areas and the nature of the proposed action is such that no impact can be expected on significant cultural resources. See JHerron email dated 9/26/2012.	JHerron
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	No, because listed or proposed species or critical habitat would not be adversely affected.	JYoung
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No, because of the minimal surface disturbance. See GBenson email dated 9/26/2012.	JYoung GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No, because of the remote location.	JYoung
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	No, because of the minimal surface disturbance. See GBenson email dated 9/26/2012.	GBenson
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No, because of the minimal surface disturbance. See WBunting email dated 10/1/2012.	WBunting

Decision Memorandum

Gierisch Mallow Propagation Study DOI-BLM-AZ-A010-2012-0013-CX

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and resource staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved January 29, 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2920.2-2(b), this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition pursuant to regulations at 43 CFR 2920.2-2 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151 (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.


Lorraine M. Christian, Field Manager

11/5/12
Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).	
2. WHERE TO FILE	Field Manager, Arizona Strip Field Office Bureau of Land Management 345 East Riverside Drive St. George, Utah 84790	
NOTICE OF APPEAL.....		
WITH COPY TO SOLICITOR...	Office of the Field Solicitor Sandra Day O'Connor US Courthouse, Suite 404 401 West Washington Street, SPC-44 Phoenix, Arizona 85003-2151	
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).	
WITH COPY TO SOLICITOR.....	Office of the Field Solicitor Sandra Day O'Connor US Courthouse, Suite 404 401 West Washington Street, SPC-44 Phoenix, Arizona 85003-2151	AND COPY TO.....Field Manager, Arizona Strip Field Office Bureau of Land Management 345 East Riverside Drive St. George, Utah 84790
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).	
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).	
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.	

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)